



## OFFICE OF PUBLIC INSTRUCTION

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### Glossary 2008 School Discipline Data Collection

#### Action Codes

- 250** **Expulsion, placed in interim alternative educational setting (referral by school personnel):** The student is expelled by an action of the school board of trustees from his/her current educational setting and placed in an interim alternative educational setting to continue receiving educational services for the duration of the expulsion. The length of removal should include the school days the student was suspended pending board action to expel.
- 260** **Expulsion, without services:** The student is expelled by an action of the school board of trustees from all school settings for the duration of the expulsion, with total cessation of educational services. The length of removal should include the school days the student was suspended pending board action to expel.
- 400** **Suspension, out-of-school, placed in interim alternative educational setting (referral by school personnel):** The student is removed from his/her current educational setting in accordance with school district suspension policy and placed in an interim alternative educational setting to continue receiving educational services for the duration of the suspension.
- 410** **Suspension, out-of-school, without services:** The student is removed from his/her current educational setting in accordance with school district suspension policy and from all school settings for the duration of the suspension during which the student does not receive educational services.

#### Expulsion

Montana Statute 20-5-202, MCA, states that expulsion is a disciplinary action available only to the school district board of trustees. The board of trustees must adopt a policy defining the circumstances and procedures by which the trustees may expel a student.

The statute also states that the trustees of a district must adopt a policy for the expulsion of a student who is determined to have brought a firearm to school for not less than one year. However, the trustees may authorize the school administration to modify the requirement of expulsion of a student on a case-by-case basis.

#### Out-of-School Suspension

Montana Statute 20-4-302(5), MCA: In a district employing neither a district superintendent nor a principal, the teacher has the authority to suspend a pupil for good cause. And, when either a district superintendent or a school principal is employed, only the superintendent or principal has the authority to suspend a pupil for good cause.

Montana Statute 20-5-202(1), MCA: The trustees of a district must adopt a policy defining the authority and procedure to be used by a teacher, superintendent, or principal in suspending a student.

*"It is the mission of the Office of Public Instruction to improve teaching and learning through communication, collaboration, advocacy, and accountability to those we serve."*

Montana Statute 20-5-202(3), MCA: A teacher, superintendent or principal must suspend immediately for good cause a student who is determined to have brought a firearm to school (until the board of trustees can act on the expulsion).

### **In-School Suspension** (Federal Term)

Instance in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision. (In this data collection, incidents of in-school suspension are reported only for students with disabilities.)

### **Persistently Dangerous Schools Designation**

ESEA, Title IX – Unsafe School Choice Option (NCLB) – The U.S. Department of Education requires the state education agency to report annually on the number of schools identified as “persistently dangerous.” The following definition of “persistently dangerous” has been developed by the OPI in consultation with local education agencies and other interested parties:

“A Montana public elementary or secondary school is considered to be persistently dangerous if each of the following two conditions exist:

- 1) in each of three consecutive years, the school has a federal or state gun-free schools violation, or a violent criminal offense has been committed on school property (“violent criminal offense” means homicide, rape, robbery, and/or aggravated assault), and
- 2) in any two years within a three-year period, the school has experienced expulsions for drug, alcohol, weapons, or violence that exceed one of the following rates:
  - a. more than 5 expulsions for a school of less than 250 students,
  - b. more than 10 expulsions for a school of more than 250 students, but less than 1,000 students,
  - c. more than 15 expulsions for a school of more than 1,000 students.”

Schools that have been determined to be persistently dangerous must:

- notify parents of the status of the school,
- offer all students the opportunity to transfer to a safe public school within the district, and
- develop a corrective action plan, submit the plan to the OPI and implement the plan in a timely manner.

### **Incident Codes**

#### **1. Felonies**

**2000 Homicide:** Killing a human being.

**2300 Kidnapping:** Unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parent(s) or legal guardian. This category includes hostage-taking.

**2800 Sexual Battery:** Oral, anal, or vaginal penetration forcibly or against the person’s will or where the victim is incapable of giving consent. Includes rape, fondling, indecent liberties, child molestation, and sodomy.

**2600 Robbery (Involves Physical Harm):** The taking of, or attempting to take, anything of value that is owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear. A key difference between robbery and theft is that the threat of physical harm or actual physical harm is involved in a robbery. (Use code 3100, Theft, when NO threat, violence or bodily harm takes

## 2. Weapons

11      **Handgun:** The weapon involved is a handgun or pistol

12      **Shotgun/Rifle:** The weapon involved is a shotgun or rifle

13      **Other Firearms:** The weapon involved is another type of firearm not named above, including zip guns, starter guns, and flare guns. As defined by the Gun-Free Schools Act, other firearms include:

- Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of any explosive;
- The frame or receiver of any weapon described above;
- Any firearm muffler or firearm silencer; and
- Any destructive device, which includes:
  - Any explosive, incendiary (e.g., bomb, grenade), or poison gas;
  - Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
  - Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

20      **Knife, Blade 2.5" or Greater:** The weapon involved is a knife with a blade of **at least** 2.5 inches in length or **greater than** 2.5 inches in length. (NOTE: This definition is used for the purpose of federal reporting. Montana Code (45-8-361(5)(b), MCA) defines a weapon to include a knife with a blade 4 or more inches in length.)

96      **Dangerous Weapon:** A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such a term does not include a pocket knife with a blade of less than 2 ½ inches in length. [Source: 18 U.S.C §930(g)(2)]

If the weapon involved is a knife with a blade of 2 ½ inches in length or greater, report the incident under the Knife code (20) above.

97      **Other Weapons:** The incident involves a weapon other than those described above.

## 3. Fighting

1300    **Aggravated Assault (Battery):** Touching or striking of another person against his or her will or intentionally causing bodily harm to an individual. This category should be used when the attack is serious enough to warrant calling the police or security or when serious bodily harm occurs. Examples: Striking that causes bleeding, broken nose; kicking while a student is down.

1700    **Fighting (Mutual Altercation):** Mutual participation in an incident involving physical violence where there is no major injury.

2500    **Physical Altercation, Minor:** Confrontation, tussle, or physical aggression that does not result in injury. Offenses could include pushing or shoving.

#### 4. Offenses Against Persons

- 3200 Threat/Intimidation:** Physical, verbal, written, or electronic action toward an individual that immediately creates fear or harm without displaying a weapon and without subjecting the victim to actual physical attack.
- 2900 Other Sexual Offenses (Lewd Behavior, Indecent Exposure):** Sexual intercourse, sexual contact, or other behavior intended to result in sexual gratification without force or threat of force. Code statutory rape here. **Note:** Consider age and developmentally appropriate behavior before using this category.
- 1800 Harassment, Bullying, Intimidation (Nonsexual):** Repeatedly annoying or attacking a student or group of students or other personnel which creates an intimidating or hostile educational or work environment. Examples: bullying or hazing.

#### 5. Substance Abuse

- 1600 Drugs (Excluding Alcohol and Tobacco):** Unlawful use, cultivation, manufacture, distribution, sale, solicitation, purchase, possession, transportation, or importation of any controlled drug (e.g., Demerol, morphine) or narcotic substance.
- 1000 Alcohol:** Violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or consumption of intoxicating alcoholic beverages or substances represented as alcohol. Suspicion of being under the influence of alcohol may be included if it results in disciplinary action.
- 3300 Tobacco:** Possession, use, distribution, or sale of tobacco products.

#### 6. Offenses Against Property

- 2700 School Threat (of Destruction or Harm):** Any threat (verbal, written, or electronic) by a person to bomb or use other substances or devices for the purpose of exploding, burning, causing damage to a school building or school property, or to harm students or staff. Example: bomb threat.
- 1400 Breaking and Entering/Burglary:** Unlawful entry or attempted entry into a building or other structure with the intent to commit a crime.
- 3100 Theft:** The unlawful taking of property belonging to another person without threat, violence or bodily harm. Electronic theft of data should be coded here.
- 3500 Vandalism:** Willful destruction or defacement of school or personal property.
- 3400 Trespassing:** To enter or remain on a public school campus or school board facility without authorization or invitation and with no lawful purpose for entry.
- 1100 Arson:** Unlawful and intentional damage, or attempt to damage, any school or personal property by fire or incendiary device. Firecrackers, fireworks, and trash can fires would be included in this category if they were contributing factors to a damaging fire.

#### 7. Other Offenses

- 9000 Other Offenses (Forgery, Fraud, Bribery):** Any significant incident resulting in disciplinary action not classified previously. Offenses could include bribery, fraud, forgery, resisting arrest, gambling, extortion, or dealing in stolen property.

## **8. Disruptive Behavior**

- 2200 Insubordination (Disobedience):** Unwillingness to submit to authority, refusal to respond to a reasonable request, or other situations in which a student is disobedient.
- 1500 Disorderly Conduct:** Any act that disrupts the orderly conduct of a school function; behavior that substantially disrupts the orderly learning environment.
- 2400 Obscene Behavior:** Language or actions, written, oral, physical, or electronic, in violation of community or school standards. Offenses could include displays of affection in violation of school policy, obscene written messages or electronic communication, obscene gestures or language/profanity.
- 1200 Attendance Policy Violation:** Violation of school district, or school policy relating to attendance.

## **Location Codes**

- 100 On Campus:** The incident occurred on school property or in a school building.
- 200 Off Campus:** The incident occurred off school property.

## **Perpetrator Codes**

- 100 Student:** The perpetrator is an individual who is enrolled in an instructional program in the reporting school at the time the incident occurred.
- 640 Nonstudent:** The perpetrator is a nonstudent (e.g., dropout, student from another school).
- 999 Unknown:** The perpetrator is unknown.

## **Program Status Codes**

- 11 Regular Education:** The student is receiving education services in the regular education program.
- 12 Special Education:** The student is a student with disabilities who qualifies for special education and related services under the Individuals with Disabilities Education Act (IDEA) and in receiving those services in accordance with an Individualized Education Program (IEP).
- A Section 504 Plan:** A plan developed to provide services and/or accommodations/modifications to a regular education student so that he/she may benefit from the education process. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against individuals with disabilities, including students, parents and staff members. Section 504 covers all students who are defined as having any physical or mental impairment that substantially limits one or more major life activities, including, but not limited to, learning.
- A student who is eligible for special education and related services under IDEA will not have a Section 504 plan. Any accommodations necessary will be written into the student's IEP under IDEA.
- B Limited English Proficient:** An individual who is aged 3 through 21, is enrolled or preparing to enroll in an elementary or secondary school, and:
- a) who was not born in the United States or whose native language is a language other than English;

- b) who is American Indian or Alaskan Native, or a native of the outlying areas; and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
- c) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet the state's proficient level of achievement on state assessments; the ability to successfully achieve in classrooms where the language of instruction is English; or the opportunity to participate fully in our society.

### **Race/Ethnicity Codes**

- 01 American Indian or Alaskan Native:** Any individual a) who is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940, and those recognized by the state in which they reside, or who is a descendant, in the first or second degree\*, of such members, or b) is considered by the Secretary of the Interior, Bureau of Indian Affairs or Indian Health Service, to be an Indian for any purpose, or (c) is an Eskimo or Aleut or other Alaskan native.  
  
\*First degree refers to parents and second degree refers to grandparents.
- 02 Asian:** A person having origins of any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinents. This area includes, for example, China, India, Japan, and Korea.
- 03 Hispanic:** A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- 04 Black (not Hispanic):** A person having origins in any of the black racial groups of Africa.
- 05 White (not Hispanic):** A person having origins in any of the original peoples of Europe, North Africa or the Middle East.
- 06 Native Hawaiian/Pacific Islander:** A person having origins in any of the original peoples of Hawaii or the Pacific Islands. This area includes, for example, Guam, the Philippine Islands, Samoa, and Tahiti.

### **Victim**

For purposes of reporting school discipline data, a victim is defined as an individual who suffers physical or emotional injury, loss, or death because of a voluntary act by another person. Although a large population within a school may be inconvenienced by an action such as a bomb threat or lock down, students are not considered victims unless an action affects them personally in a substantial and negative way.

### **Victim Codes**

- 100 Student:** The victim is an individual who is enrolled in an instructional program in the reporting school at the time the incident occurred.
- 200 School Personnel:** The victim is employed at the reporting school at the time the incident occurred.
- 500 Other:** The victim can't be identified in any of the listed categories for victims.
- 600 Non-school Personnel:** The victim is an individual who does not attend or work for the school (e.g., parent, community member, volunteer).
- 700 None:** Use this code for incidents where no individual has been victimized.

**Special Ed Disabilities**

**AU** Autism  
**CW** Child with Disability  
**CD** Cognitive Delay  
**DB** Deaf Blindness  
**DE** Deafness  
**ED** Emotional Disturbance

**HI** Hearing Impairment  
**LD** Learning Disability  
**OH** Other Health Impairment  
**OI** Orthopedic Impairment  
**SL** Speech/Language Impairment  
**TB** Traumatic Brain Injury  
**VA** Visual Impairment